Division Bench

CF 1002 (2) (4)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

W.P.NO. (Cr.) 7215 /2006

PETITIONER:

Mahesh Shukla, Aged 54 years S/o Late Rajendra Mohan Shukla R/o 205, Sunder Nager, Raipur. Presently Posted as S.E.(Civil) C.S.E.B. Raipur.

P.R. No. 768/06
Presented by Shri AK Yadav
dated 21/12/06

VERSUS

RESPONDENTS:

1. State of Chhattisgarh Through Secretary, Home Department, D.K.S. Bhawan, Raipur C.G.
2. Senior Superintendent of Police Raipur (C.G.)
3. Station House Officer Police Station Saraswati Nagar Raipur (C.G.)
4. Yogesh Patel S/o Rohit Patel Aged 31 years R/o Kamal Niwas Korba Road Raigarh. (C.G.) Presently residing at kakte city karet nagar Pune (Mah.)
5. Ku. Smita Shukla D/O Mahesh Shukla, Aged 27 years M-Tech Adhoc Lecture N.I.T. (G.E.C.) Raipur (Chhattisgarh)

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21/12/06
CLERK to A. G. BILASPUR

WRIT PETITION UNDER ARTICLES 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE WRIT PETITION OF HEABIUS CORPUS

XI-HC-78

(71)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. No (C) 7215/06 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

DB: HON'BLE SHRI JUSTICE L.C. BHADOO
AND HON'BLE SHRI DHIRENDRA MISHRA, JJ

23-2-2007

Dr. N.K. Shukla, Sr. Advocate with Shri A.N. Bhakta, Advocate for the petitioner.

Shri U.N.S. Deo, Govt. Advocate for the State/respondents No. 1, 2 and 3.

Respondents No. 4 and 5 are present in person.

Parents of respondent No. 5 namely Shri Mahesh Shukla and Smt. Abha Shukla and her sister are also present in Court.

Statement of respondent No. 5 was recorded on 24-1-2007 in which she has categorically stated that on her own free will she has married respondent No. 4 and on her own will she wants to reside with him only. Respondent No. 5 is of 27 years of age.

In the circumstances, we do not find any illegal detention of respondent No. 5. Even in order to ensure whether she is residing with respondent No. 4 on her own free will, one month's time was given. Today again, she is present and she is still of the view that she wants h ~~should~~ reside with respondent No.4. Therefore, this petition is disposed of with an observation that respondent No. 5 is not in any illegal confinement, as such, she may remain wherever she wants.

The petition is accordingly disposed of.

Consequently, M.W.P. No. 5078/2006 and I.A. No. 556/2007 stand disposed of.

Sd/-
L.C.Bhadoo
Judge

Sd/-
Dhirendra Mishra
Judge

P.T.O.